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Restore federal safety rules on thrill rides

LAST SATURDAY a tragedy occurred at the Six Flags New England amusement park in Agawam that exposes once again the glaring weaknesses in the safety regulation of amusement park rides. A Connecticut man who loved thrill rides visited a Massachusetts amusement park to ride a mega-coaster manufactured in Europe and owned by a company in Oklahoma — and lost his life.

The fatality rate on roller coasters is approximately the same as that on trains and buses and planes — no worse, but no better. That is why the amusement ride industry does not deserve a free pass from federal safety oversight.

For example, when a bus crashes on the Massachusetts Turnpike, both state and federal investigators step in. If they find a flaw in the braking system, the feds have the power to order that the brakes be fixed not just in Massachusetts but on every bus using the same braking system.

That's common sense — common sense that we abandon when it comes to roller coasters. No federal safety expert is allowed in an amusement park. Nothing ordered by one state needs to be changed in any other state. No information can be gathered at the federal level to spot trends or anomalies that could prevent accidents and save lives. The same mistakes are repeated over and over, with tragic consequences in lives lost and families stricken with pain and grief.

When Congress passed the Consumer Product Safety Act in 1972, park rides were considered a product subject to federal oversight by the Consumer Product Safety Commission. But in 1981 everything changed. In the initial heady days of the Reagan revolution, the industry seized an opportunity to tuck a special-interest loophole into an unrelated law that exempted roller coasters and other park rides from safety oversight at the federal level. It is ridiculous, but a fact, that our nation's lead federal safety agency regulates bicycles that carry children at 15 miles per hour but not amusement park rides that carry children as fast as 100 miles per hour.

A loophole exempts parks from federal law.

Now we are paying the price. The ride industry has gone through a series of transformations, with technology making it possible to build fantastic steel coasters that carry children at twice the speeds of 20 years ago, through spirals and inversions that were once unthinkable. There is no longer any cushion between safety and disaster. Ride antics that are forbidden but nevertheless common cause problems at 100 miles per hour that could be ignored at 50 miles per hour. Operator misjudgments can lead to safety failures that would previously have been tolerated by the ride systems.

In the absence of any federal regulation, ride regulation falls to state or local jurisdictions unless, as in all too many states, the parks are simply left to regulate themselves. Thanks to the pioneering persistence of former Massachusetts representative Paul Caron, the state Legislature remedied a longstanding gap in state law several years ago, and we no longer allow the parks to self-regulate in Massachusetts. Park rides should be regulated primarily at the state level. It should not be a federal responsibility to inspect rides before they open each spring or to issue annual operation permits, for example.

But there are federal responsibilities that no state can perform, as we can see clearly from this latest calamity. The problem with state-only regulation is that lessons learned the hard way in one state are not passed up to the federal regulators; thus safety modifications made at the site of the accident are not systematically made on the same or similar rides in every other park in the country.

As a result of Saturday's accident, Massachusetts is considering ordering changes in the restraint systems used by Six Flags New England. But two years ago, the very same problem was identified in California after a similar tragedy in which a rider fell out of a high-speed ride that used inadequate restraints. But for the loophole in the law, the owners of Six Flags would have had to make the change two years ago — not just in California but in Massachusetts as well.

The industry has a willing ally in a Republican Congress that controls when and if there will even be a hearing on this issue, let alone allowing a vote on the floor of the House or the Senate. They won't allow either.

But like emperors without clothes, this antisafety lobby is increasingly vulnerable to having people point out the obvious — you can't call yourself a responsible industry if you continue to defend a loophole that is putting the riding public in danger. Let's keep the thrill in our rides by restoring the federal-state safety partnership to amusement ride oversight that the public expects.

US Representative Edward J. Markey represents the 7th District of Massachusetts.